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amended

(c) detecting in the sample a polynucleotide sequence that hybridizes to the oligonucleotide probe, thereby detecting breast cancer in the patient.

REMARKS

Applicants submit this response to the Office Action dated October 31, 2000 (Paper No. 13).

Favorable reconsideration of the subject patent application is respectfully requested in view of the above amendments and the following remarks. Following the amendments, claims 33, 44, 53 and 54 are under consideration.

The specification has been amended to update the status of related applications. Claims 32 and 43 have been cancelled from the application and rewritten as newly added claims 53 and 54. Claims 33 and 44 have been amended to depend upon claims 53 and 54, respectively, and to remove the term "polynucleotide comprising." It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter.

The pending claims stand rejected under 35 USC §112, first paragraph, as allegedly lacking an adequate written description. In particular, the Examiner has objected to the recitation of polynucleotide molecules comprising one of the specifically recited SEQ ID NOS, to the recitation of complements of the specifically recited SEQ ID NOS, and to the recitation of sequences that hybridize to such sequences.

While the applicants do not acquiesce to the Examiner's objections, the pending claims have been amended to remove reference to polynucleotide molecules comprising the elected SEQ ID NOS and to sequences that hybridize to the elected SEQ ID NOS in order to expedite allowance of the claims. With regard to the Examiner's objection to the recitation of complements of the elected SEQ ID NOS, applicants submit that, once a DNA sequence is known, its complement is also necessarily known. Applicants further note that determination of the complement of any given sequence is a straightforward, routine procedure that is carried out on a daily basis in laboratories throughout the world.

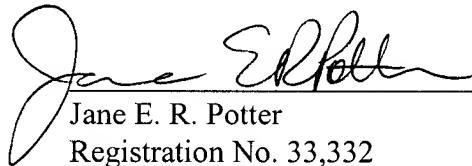
It is urged that one of skill in the art, on being provided with the instant specification, would readily appreciate that applicants were indeed in possession of the presently claimed invention at the time the application was filed, and that the rejection of the claims under 35 USC §112, first paragraph, may be properly withdrawn.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Paragraph beginning at line 5 of page 1 has been amended as follows:

This application is a continuation-in-part of U.S. patent application No. 09/118,627, filed July 17, 1998, which is a continuation-in-part of U.S. patent application No. 08/998,253, filed December 24, 1997, now abandoned.

In the Claims:

Claims 32 and 43 have been cancelled.

Claims 33 and 44 have been amended as follows:

33. (Twice Amended) The method of claim [32] 53, wherein at least one of the oligonucleotide primers comprises at least about 10 contiguous nucleotides of a [polynucleotide molecule comprising a] sequence selected from the group consisting of SEQ ID NOS:55, 56, 59-65 and 67.

44. (Twice Amended) The method of claim [43] 54 wherein the oligonucleotide probe comprises at least about 15 contiguous nucleotides of a [polynucleotide molecule comprising a] sequence selected from the group consisting of SEQ ID NOS: 55, 56, 59-65 and 67.